

§ 233.1

directly to owner and is properly identified by a card attached to each side of car, signed by shipper, stating that the movement is being made under authority of this order.

[33 FR 19679, Dec. 25, 1968, as amended at 53 FR 28602, July 28, 1988]

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

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APPENDIX A TO PART 233—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 49 App. U.S.C. 26, as amended; 49 App. U.S.C. 1655(e), as amended; 45 U.S.C. 431, 437, and 438, as amended; Pub. L. 100-342; and 49 CFR 1.49 (f), (g), and (m).

SOURCE: 49 FR 3379, Jan. 26, 1984, unless otherwise noted.

§ 233.1 Scope.

This part prescribed reporting requirements with respect to methods of train operation, block signal systems, interlockings, traffic control systems, automatic train stop, train control, and cab signal systems, or other similar appliances, methods, and systems.

§ 233.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall report within 24 hours to the Federal Railroad Administration by toll free telephone, number 800-424-0201, whenever it learns of the occurrence of an accident/incident arising from the failure of an appliance, device, method or system to function or indicate as required by part 236 of

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this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train.

EFFECTIVE DATE NOTE: At 49 FR 3379, Jan. 26, 1984, Part 233 was revised. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 233.7 Signal failure reports.

Each carrier shall report within 15 days each failure of an appliance, device, method, or system to function or indicate as required by part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. Form FRA F6180-14, "Signal Failure Report," shall be used for this purpose and completed in accordance with instructions printed on the form.

(Approved by the Office of Management and Budget under control number 2130-0007)

§ 233.9 Reports.

Not later than April 1, 1997 and every 5 years thereafter, each carrier shall file with FRA a signal system status report "Signal System Five-year Report" on a form to be provided by FRA in accordance with instructions and definitions provided on the report.

[61 FR 33872, July 1, 1996]

§ 233.11 Civil penalty.

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of \$2,500 except that: Penalties may be assessed against individuals only for willful violations, and where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this part for a statement of agency civil penalty policy.

[53 FR 28602, July 28, 1988, as amended at 53 FR 52936, Dec. 29, 1988]

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a \$5,000 fine and 2 years imprisonment as prescribed by 49 U.S.C. 522(a) and section 209(e) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 438(e)).

APPENDIX A TO PART 233—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
233.5 Accidents resulting from signal failure	\$2,500	\$5,000
233.7 Signal failure reports	5,000	7,500
233.9 Annual reports	1,000	2,000

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$20,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[53 FR 52936, Dec. 29, 1988]

PART 234—GRADE CROSSING SIGNAL SYSTEM SAFETY

Subpart A—General

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- 234.4 Preemptive effect.
- 234.5 Definitions.
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Subpart B—Reports

- 234.7 Accidents involving grade crossing signal failure.
- 234.9 Grade crossing signal system failure reports.

Subpart C—Response to Reports of Warning System Malfunction

- 234.101 Employee notification rules.
- 234.103 Timely response to report of malfunction.
- 234.105 Activation failure.
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Subpart D—Maintenance, Inspection, and Testing

MAINTENANCE STANDARDS

- 234.201 Location of plans.
- 234.203 Control circuits.
- 234.205 Operating characteristics of warning system apparatus.
- 234.207 Adjustment, repair, or replacement of component.
- 234.209 Interference with normal functioning of system.
- 234.211 Security of warning system apparatus.
- 234.213 Grounds.
- 234.215 Standby power system.
- 234.217 Flashing light units.
- 234.219 Gate arm lights and light cable.
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- 234.223 Gate arm.
- 234.225 Activation of warning system.
- 234.227 Train detection apparatus.
- 234.229 Shunting sensitivity.
- 234.231 Fouling wires.
- 234.233 Rail joints.
- 234.235 Insulated rail joints.
- 234.237 Reverse switch cut-out circuit.
- 234.239 Tagging of wires and interference of wires or tags with signal apparatus.
- 234.241 Protection of insulated wire; splice in underground wire.
- 234.243 Wire on pole line and aerial cable.
- 234.245 Signs.

INSPECTIONS AND TESTS

- 234.247 Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements.
- 234.249 Ground tests.
- 234.251 Standby power.
- 234.253 Flashing light units and lamp voltage.
- 234.255 Gate arm and gate mechanism.
- 234.257 Warning system operation.
- 234.259 Warning time.
- 234.261 Highway traffic signal pre-emption.
- 234.263 Relays.
- 234.265 Timing relays and timing devices.
- 234.267 Insulation resistance tests, wires in trunking and cables.
- 234.269 Cut-out circuits.
- 234.271 Insulated rail joints, bond wires, and track connections.
- 234.273 Results of inspections and tests.

APPENDIX A TO PART 234—SCHEDULE OF CIVIL PENALTIES

APPENDIX B TO PART 234—ALTERNATE METHODS OF PROTECTION UNDER 49 CFR 234.105(C), 234.106, AND 234.107(C).

AUTHORITY: 49 U.S.C.20103, 20107, 20108, 20111, 20112, 20114, 21301, 21302, 21304, and 21311 (formerly Secs. 202, 208, and 209 of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437, and 438, as amended)); 49 U.S.C.20901 and 20102 (formerly the Accident